

I am filing these comments with the FCC in support of MB Docket No. 11-169, In the Matter of Basic Service Tier Encryption. As a consumer who is a Video, Home Theater PC and CableCARD enthusiast, I am well-versed in CableCARD, ClearQAM and analog technologies, along with the advantages and disadvantages of each technology.

For many years, MSOs have broadcast substantial portions of their services in analog. In recent years, there has been a great push toward digital technology, however many MSOs continue to waste bandwidth on analog channels, instead of using this bandwidth to offer next-generation services. For this reason, I support giving operators an incentive to shut off analog services, by allowing them to encrypt basic digital services when they are an all-digital system. This analog sunset will free significant amounts of bandwidth for new services, and allow improvements of existing services. At the same time, by not having to physically connect/disconnect services, an all-digital, encrypted system will allow superior service to be offered to consumers.

Free Devices

I believe the requirement to offer free decoders (such as Set-Top Boxes or CableCARDs) to customers affected by encryption of the basic service tier is a good start; however, it needs to be extended to have the effect which I believe is intended, and to help assure that the cost savings the MSO realizes by encrypting the basic tier do not cause an unreasonable cost increase on consumers.

First, the ruling needs to be clarified that the definition of “free” is all-inclusive, meaning that additional fees, such as additional outlet fees, cannot be charged, even though the box itself is provided free of charge. It should also be clarified that the consumer may select a CableCARD as a free device, if they so choose and that there needs to be prominent notification to consumers that CableCARDs are another way to receive these channels. On a related note, it needs to be clarified that any supporting hardware required to tune the now-encrypted basic channel lineup, such as Tuning Adapters (in the case of CableCARD hosts) is also required to be free of charge. Lastly, any STBs offered under the free program should be limited-purpose devices, which do not support advanced services (On Demand, IPG, interactivity, etc).

Furthermore, I believe that the free decoders must be available to any consumers that subscribe to the basic service tier **or any service tier which also includes the basic tier**. Many customers have lesser-used TVs, such as in a kitchen or spare bedroom, which they do not currently have STBs for. Additionally, many consumers have other devices, such as DVD Recorders, DVRs, or PCs, which are currently receiving these channels without a decoder. On a digital-only system with the basic tier encrypted, these devices would be effectively useless to consumers.

Personally, I use CableCARD-based tuners in my home PCs, but also have ClearQAM (unencrypted QAM) tuners installed as extra tuners to record channels which are not currently encrypted, such as my local network affiliates. If the basic tier is encrypted, these ClearQAM tuners will be useless to me – forcing me to obtain additional CableCARD tuners and matching CableCARDs. Why should the burden of the

monthly rental fee for these additional CableCARDS be born on me (so the MSO can save money) just because I subscribe to a service tier greater than the basic tier?

With STB rental fees being \$5-\$10 per month, renting two STBs could cost an average family over \$200 a year – a significant burden. For this reason, I believe that it is imperative that MSOs be required to provide decoders, free of charge, to consumer that subscribe to any tier of service that also includes the basic tier.

I do not believe that a specific end time on STB provides sufficient benefits to consumers. Rather, I believe the timeline should be signified by technical progress reaching a point where they are no longer needed. I propose that MSOs be required to provide decoders, free of charge, for at least one year after one of the following two conditions are met:

- Greater than 50% of televisions sold at retail contain separable security support (such as CableCARD or a future downloadable security standard)
- A next-generation home gateway, such as AllVid, is available to the consumer to use in their home to replace all STBs.

Finally, I believe that the FCC should require that the free Set-Top Boxes be based on separable security (such as CableCARD) technology, and prohibit any sort of “autobinding” or pre-binding of the CableCARD to the host; in other words, the authorization process should be identical to that of a retail CableCARD device. While the changes made recently in the FCC’s broadband plan have certainly helped CableCARD users, based on my experience as a CableCARD user and enthusiast, it is very obvious that there is a clear training issue with the customer service representatives at many cable providers, who often struggle to pair CableCARDS. The only way to truly solve this problem is to put the burden on MSOs to use CableCARDS in their own devices, and force their representatives to pair CableCARDS in them as if they were retail devices, instead of the “autobinding” or pre-bound systems in use today, which meets the letter, but not the spirit, of the original separable security mandate.

Output Protection

Since the beginning of Cable TV service, consumers have enjoyed the ability to time and place-shift channels, original with the VCR, and now with modern devices like the DVD-R and DVR. Recently, some channels and MSOs have begun using output protection to restrict consumer’s ability to time and place-shift certain channels.

Currently, consumers receive basic television content, such as the local network affiliates (ABC, NBC, Fox, etc) though a non-encrypted means – be it an analog cable tuner, a ClearQAM tuner, or an ATSC tuner. These tuners have traditionally allowed consumers the ability to perform time and place shifting, as the content was not encrypted. As TV channels have switched to digital television standards, broadcasters have greatly restricted consumer’s ability to shift content. Unfortunately, with the shift to encrypted stations, output protection will be enforced as required by those tuners, such as the requirement for OpenCable Unidirectional Receivers (OCURs) to honor CCI, RC and CGMS copy protection.

I have experienced first-hand, through both the marking of virtually all Cable TV channels as Copy Once (CCI=0x02) by my MSO, and one of my local network affiliates setting the Redistribution Control (RC) descriptor on their channel, severely limiting what can be done with Cable TV content. In fact, my PVR of choice (Windows Media Center, combined with a CableCARD based tuner) will refuse to record content that has the Redistribution Control flag set when a tuner with decryption support (like a CableCARD-based tuner), even though that content may be transmitted freely over the air, so . Currently, I am able to use a ClearQAM tuner (which is not required to honor the RC descriptor) to record this channel. Once this channel is encrypted, as part of encrypting all basic services, I will be unable to record it at all, as CableLabs-certified OpenCable Unidirectional Receivers (OCURs) are required to honor the RC flag, even though, to the best of my knowledge, no other device on the market does.

For these reasons, I believe the FCC should prohibit any sort of output protection, (including, but not limited to CCI > 0x00, CGMS, RC, Macrovision) to be used on services offered as part of the basic tier. The MSO requests for permission to encrypt the basic tier have centered around preventing cable service theft and connecting/disconnecting customers without a truck roll. For this reason, I believe that this requirement is reasonable, as it allow the FCC to grant the MSO's requests, while still helping preserve consumer protections.

All-digital service

The FCC has asked for comment on what constitutes an "All-digital" system. For a system to be considered all-digital, I believe it needs to simulcast all analog channels also in digital. A special exemption will be made for special-purpose barker channels which contain no regular programming, such as a single analog channel telling them that a digital box is needed, so that the simulcast of that channel is not required. The system also should not offer a service tier than consists solely of channels available also via analog.

I want to thank the FCC for considering my comments on MB Docket No. 11-169, In the Matter of Basic Service Tier Encryption.

Sincerely,

/s/

Eric Kotz